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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,815	09/19/2005	Gerard J Barry	2270-060	5799
43354 7590 05/25/2010 MESCHKOW & GRESHAM, P.L.C. 7250 NORTH SIXTEENTH STREET, SUITE 318 PHOENIX, AZ 85020-5279				
EXAMINER TINKLER, MURIEL S				
ART UNIT 3691		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,815

Applicant(s)

BARRY, GERARD J

Examiner

MURIEL TINKLER

Art Unit

3691

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 26-28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 26-28 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

This application has been reviewed. Claims 1, 5-9, 11-15, 27 and 28 have been amended. Claims 25 and 29 have been cancelled. Claim 30 has been added. Therefore, claims 1-24, 26-28 and 30 are pending. The rejection(s) are as follows.

Please note: this supplemental final office action is being issued based on the interview summary mailed on May 28, 2009.

Response to Amendment

1. The amendments to claims 1, 5-9, 11-15, 27 and 28 have been reviewed against the specification and accepted for examination. The amendments to these above mentioned claims have overcome the 35 USC 112, second paragraph rejection.

Response to Arguments

2. Applicant's arguments filed June 19, 2008 have been fully considered but they are not persuasive. The Applicant has amended independent claims 1, 15, 27 and 28 and added new claim 30. These amendments simply clarify the claims and do not necessitate a new grounds or rejection.

3. More specifically:

- a. A first merchant terminal can be found in figure 3 (element 26, ATM)
- b. A second merchant terminal can be found in figure 3 (element 28, ATM)

- c. Communicating payments to a host for processing payment transactions in figure 1 (element 20, fulfillment center)
- d. Processing payments corresponding to the first and second payment card transactions, thereby debiting said first merchant and crediting said second merchant.: A transfer of funds in paragraph 9 (a card holder and receiver may 'access' funds) and figure 1 shows that a card holder can input/receive funds to/from a second card holder using an account.
- e. A network of terminals in paragraph 8 (at an ATM network), "According to an embodiment of the present invention, a transfer account is utilized to facilitate the transfer of funds utilizing existing financial services networks such as ATM network."

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-11 and 14, 22, 25-28 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Prasad (EP 1058217), hereafter referred to as Prasad.
6. Regarding claims 1, 25, 26, 28 and 29, Prasad discloses: (see claim 4, figs. 1 and 3; Par. 0025-0087) a method, performed by a computer system (fulfillment center 20) having a network of terminals (ATMs), of transferring funds from a first payment

cardholder (Sibling card 22) at a first merchant (ATM 26) to a second payment cardholder at a second merchant (ATM 28), said method comprising the steps of:

- a. receiving an indication from said first cardholder (Sibling card 22) at said first merchant that a transfer of funds is required to said second cardholder (Sibling card 24);
 - b. generating a first payment card transaction at a networked terminal (ATM) between said first merchant (ATM 26) and said first cardholder (Sibling card 22), wherein said first payment card transaction is a first immediate (real time) transfer, debiting said funds from said first cardholder (Sibling card 22) and crediting said funds to said first merchant (ATM 26);
 - c. generating a second payment card transaction at a networked terminal (ATM 28) between said second merchant and said second cardholder (Sibling card 24), wherein said second payment card transaction is a second immediate transfer, debiting said funds from said second merchant and crediting said funds to said second cardholder; and
 - d. communicating said first and second payment card transactions to a host (fulfillment center 20) across said network.
 - e. a transfer of funds in paragraph 9 (a card holder and receiver may 'access' funds) and figure 1 shows that a card holder can input/receive funds to/from a second card holder using an account.
7. Regarding claim 18 and 27, see the rejection(s) of claim 1 above. Also Prasad discloses a network of terminals in paragraph 8 (at an ATM network), "According to an

embodiment of the present invention, a transfer account is utilized to facilitate the transfer of funds utilizing existing financial services networks such as ATM network."

8. Regarding claims 2 – 4, 16-18 and 22, Prasad discloses the system and method of claims 1 and 15, comprising the initial step of obtaining authorization for the first payment card transaction prior to generating the first payment card transaction, wherein the indication (in claims 1 and 15) identifies the payment card details of the first cardholder or payment card details of the second holder, and wherein the indication contains an identifier for the first cardholder or the second cardholder and whereby the identifier may be used to obtain the card details of the first or second payment cardholder from a database of cardholders and their associated identifiers, see Prasad, claim 1; paragraphs [0043, 0064].

9. Regarding claim 5, Prasad discloses a method of claim 1, wherein positive or negative amounts associated with the value of funds to be transferred may be equal to the value of funds to be transferred or may include a service fee applied to the value of funds to be transferred, see Prasad, fig. 4 and description.

10. Regarding claims 6 and 19, Prasad discloses a system of method of claims 1 and 15, wherein the currency of the first payment card transaction is the currency of the first cardholder's payment card account and the second payment card transaction is conducted in the currency of the second cardholder's payment card account in circumstances where the currencies of the first and second cardholder's payment card accounts are different, see Prasad, paragraph [0064] currency exchange module 46.

11. Regarding claims 7 and 20, Prasad discloses a system and method of claims 1 and 15, wherein the step of receiving an indication from the first cardholder is performed over a computer network, see Prasad, claim 1.
12. Regarding claims 8 and 21, Prasad discloses a system and method of claims 1 and 15, wherein the step of receiving an indication from the first cardholder is performed over a telephone, see Prasad, paragraph [0080].
13. Regarding claims 9-11 and 30, a system and method of claims 1 and 15, wherein there are various combination of first and second merchant terminals (i.e. are the same, not the same, in the same country or in different counties) Prasad discloses see Prasad, paragraph [0085].
14. Regarding claim 14, Prasad discloses a method of claim 1, comprising the step of generating a third payment card transaction between a first merchant and a third cardholder wherein the third cardholder and second merchant are associated accounts of the same entity, suitably co-resident in a particular country, see Prasad, paragraph [0031].

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 12, 13, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prasad as applied to claims 1 and 22 above, and further in view of Meyer et al. (US 2002/0128967), hereafter referred to as Meyer.

17. Regarding claims 12, 13, 23 and 24, Prasad discloses the information in claims 1 and 22. Prasad does not specifically disclose the act of identifying a suitable first/second merchant from details of the first/second cardholder. Meyer discloses the act of person-to-person money transfers using a unique barcode, an example of this is discussed in paragraphs 27-29. Therefore, it would have been obvious to use the concepts of person-to-person money transfers as taught by Meyer in Prasad because it combines well known techniques transferring funds via (electronic mail).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MURIEL TINKLER whose telephone number is (571)272-7976. The examiner can normally be reached on Monday through Friday from 6:30 AM until 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./

Examiner, Art Unit 3691

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691